

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHARLES SHANK,  
Plaintiff,  
v.  
RANDY CASTEEL; CHRIS E.  
JON BRAND; and MALCOLM  
Defendant

Case No. C04-5843RJB

## ORDER

RANDY CASTEEL; CHRIS ENDRESEN;  
JON BRAND; and MALCOLM FLEMING,  
Defendants.

This matter comes before the court on Plaintiff's Second Amended Complaint (Dkt.54). The Second Amended Complaint makes various attempts to reflect the pleading inadequacies identified in the Order Granting in Part and Denying in Part Defendants' Motion for Partial Dismissal of Claims (Dkt. 24). The Second Amended Complaint also reflects the court's dismissal of several claims and parties and appears to plead new causes of action.

The plaintiff did not seek leave of the court to file a second amended complaint or solicit written consent from the defendants as required by Federal Rule 15(a). The court should therefore refuse to consider the Second Amended Complaint and should not require the defendants to answer the complaint.

It is hereby

**ORDERED** that Plaintiff's Second Amended Complaint shall remain electronically filed but will not be considered by the court, will not supercede the Amended Complaint (Dkt. 21), and will not require an answer from the defendants.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

DATED this 13<sup>th</sup> day of October, 2005.

  
Robert J. Bryan  
U.S. District Judge

## ORDER